



May 17, 2022

Warren STP EH12(4) – Warren Covered Bridge Rehabilitation Project

**Addendum #1**

This addendum adds the following Notice to Bidders to the Special Provisions: “Notice to Bidders – Subsection 107.22”

**NOTICE TO BIDDERS – SUBSECTION 107.22.** Subsection 107.22 is hereby modified by adding the following subpart:

- (e) On November 15, 2021, President Biden signed into law the Infrastructure Investment and Jobs Act (“IIJA”), Pub. L. No. 117-58, which includes the Build America, Buy America Act (“the Act”). Pub. L. No. 117-58, §§ 70901-52. On April 18, 2022, the Office of Management and Budget issued memorandum M-22-11, “[Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure](#)” which can be found here: <https://www.whitehouse.gov/wp-content/uploads/2022/04/M-22-11.pdf>.

The Act requires that state transportation agencies ensure new awards made on or after May 14, 2022 comply with section 70914 of the Act, including by the incorporation of a Buy America preference in the terms and conditions of each award with an infrastructure project. This document is the State of Vermont Agency of Transportation’s fulfillment of that requirement.

The Act requires the following Buy America preference:

- (1) All iron and steel used in the project are produced in the United States. This means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.
- (2) All manufactured products used in the project are produced in the United States. This means the manufactured product was manufactured in the United States, and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation.
- (3) All construction materials are manufactured in the United States. This means that all manufacturing processes for the construction material occurred in the United States.

The IIJA finds that “construction materials” includes an article, material, or supply— other than an item of primarily iron or steel; a manufactured product; cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives— that is or consists primarily of:

- a. non-ferrous metals
- b. plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables)
- c. glass (including optic glass);
- d. lumber; or
- e. drywall.

A Buy America preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project.

As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. Nor does a Buy America preference apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project, but are not an integral part of or permanently affixed to the structure.

For more detailed information regarding the Act please review memorandum M-22-11 cited above.

Subsection 107.22(e)(1) is covered under previously approved Buy America Provisions. Subsection 107.22(e)(2) is currently exempted under a waiver obtained by FHWA.